

ASSEMBLY BILL

No. 1810

Introduced by Assembly Member Feuer

February 10, 2010

An act to amend Section 594 of the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 1810, as introduced, Feuer. Vandalism.

Existing law, as amended by Proposition 21, approved by the voters in the March 7, 2000, general election, establishes various acts as constituting vandalism and provides in part, that if the amount of defacement, damage, or destruction is \$400 or more, but less than \$10,000, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than \$10,000, or by both that fine and imprisonment. Existing law allows the Legislature to amend these provisions by a statute passed by a $\frac{2}{3}$ vote of each house of the Legislature.

This bill would increase the maximum applicable fine to \$11,000.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 594 of the Penal Code is amended to
2 read:
3 594. (a) Every person who maliciously commits any of the
4 following acts with respect to any real or personal property not his
5 or her own, in cases other than those specified by state law, is
6 guilty of vandalism:

- 1 (1) Defaces with graffiti or other inscribed material.
- 2 (2) Damages.
- 3 (3) Destroys.

4 Whenever a person violates this subdivision with respect to real
5 property, vehicles, signs, fixtures, furnishings, or property
6 belonging to any public entity, as defined by Section 811.2 of the
7 Government Code, or the federal government, it shall be a
8 permissive inference that the person neither owned the property
9 nor had the permission of the owner to deface, damage, or destroy
10 the property.

11 (b) (1) If the amount of defacement, damage, or destruction is
12 four hundred dollars (\$400) or more, vandalism is punishable by
13 imprisonment in the state prison or in a county jail not exceeding
14 one year, or by a fine of not more than ~~ten~~ *eleven* thousand dollars
15 ~~(\$10,000)~~ *(\$11,000)*, or if the amount of defacement, damage, or
16 destruction is ten thousand dollars (\$10,000) or more, by a fine of
17 not more than fifty thousand dollars (\$50,000), or by both that fine
18 and imprisonment.

19 (2) (A) If the amount of defacement, damage, or destruction is
20 less than four hundred dollars (\$400), vandalism is punishable by
21 imprisonment in a county jail not exceeding one year, or by a fine
22 of not more than one thousand dollars (\$1,000), or by both that
23 fine and imprisonment.

24 (B) If the amount of defacement, damage, or destruction is less
25 than four hundred dollars (\$400), and the defendant has been
26 previously convicted of vandalism or affixing graffiti or other
27 inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6,
28 or 640.7, vandalism is punishable by imprisonment in a county
29 jail for not more than one year, or by a fine of not more than five
30 thousand dollars (\$5,000), or by both that fine and imprisonment.

31 (c) Upon conviction of any person under this section for acts
32 of vandalism consisting of defacing property with graffiti or other
33 inscribed materials, the court shall, when appropriate and feasible,
34 in addition to any punishment imposed under subdivision (b), order
35 the defendant to clean up, repair, or replace the damaged property
36 himself or herself, or order the defendant, and his or her parents
37 or guardians if the defendant is a minor, to keep the damaged
38 property or another specified property in the community free of
39 graffiti for up to one year. Participation of a parent or guardian is
40 not required under this subdivision if the court deems this

1 participation to be detrimental to the defendant, or if the parent or
2 guardian is a single parent who must care for young children. If
3 the court finds that graffiti cleanup is inappropriate, the court shall
4 consider other types of community service, where feasible.

5 (d) If a minor is personally unable to pay a fine levied for acts
6 prohibited by this section, the parent of that minor shall be liable
7 for payment of the fine. A court may waive payment of the fine,
8 or any part thereof, by the parent upon a finding of good cause.

9 (e) As used in this section, the term “graffiti or other inscribed
10 material” includes any unauthorized inscription, word, figure,
11 mark, or design, that is written, marked, etched, scratched, drawn,
12 or painted on real or personal property.

13 (f) The court may order any person ordered to perform
14 community service or graffiti removal pursuant to paragraph (1)
15 of subdivision (c) to undergo counseling.

16 (g) This section shall become operative on January 1, 2002.